

September 9, 2005

BY Website: <http://www.regulations.gov>

Dana Jackson  
Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Disability Rights Office  
445 12th Street, SW.  
Room 3-C418  
Washington, DC 20554.

Re: Request for Comments on Telecommunications Relay Services  
and Speech-to-Speech Services for Individuals With Hearing and  
Speech Disabilities  
Docket Number: 03-123; DA 05-2346

Dear Ms. Jackson:

The following comments on the Federal Communication Commission's proposed regulations on Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities are submitted by New Jersey Protection & Advocacy, Inc., (NJP&A) the designated protection and advocacy system for individuals with disabilities in New Jersey, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 5041 to 15045; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. §§ 10801 to 10807; the Client Assistance Program of the Rehabilitation Act, 29 U.S.C. § 732; the Protection and Advocacy for Individual Rights Program of the Rehabilitation Act, 29 U.S.C. § 794e; and the Technology Related Assistance for Individuals with Disabilities, 29 U.S.C. § 2201.

The allocation system described by the Commission seems, at first glance, to be a fair and reasonable way to distribute funds from the Interstate Telecommunications Relay Service (TRS) Fund to relay services providers on the statewide level. However, NJP&A is concerned that this system may shortchange states like New Jersey. The statistics collected by the National Exchange Carrier Association (NECA) were collected at the national level, and do not account for variations in calling patterns in different states.

The statistics showed that only 11% of calls nationwide made to relay services were interstate or international calls. However, the Federal Register did not include a statewide breakdown of such calls. As the State of New Jersey is located between the two large urban centers of New York and Philadelphia, it is reasonable to assume that New Jersey residents with disabilities make more interstate calls to New York and Pennsylvania than residents of other states. New Jersey also has a larger population of immigrants than other states, which might result in New Jersey residents making more international calls than some other states.

A complete statistical breakdown showing calling patterns in each state should easily establish whether this assumption is accurate. If New Jersey residents using relay services make significantly more than 11% of their calls out of state, then the 11% allocation rate proposed by the Commission would shortchange New Jersey and similar states. NJP&A suggests that the Commission review the statistics on a statewide basis before making a final decision.

NJP&A recommends that the Commission consider using the methodology developed by NECA to set allocation rates on a statewide basis, rather than on a nationwide basis. Setting statewide rates would ensure that all states got their fair share of fund dollars based on the calls that each state relay provider actually handles. Given that the methodology developed by NECA is simple and straightforward, it should be very easy to apply that methodology to develop separate rates for each state.

Thank you for the opportunity to comment on this process. NJP&A would welcome the opportunity to discuss these matters further.

Sincerely,

Curtis D. Edmonds  
Assistive Technology Advocate